

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

4 H CONSTRUCTION CORPORATION

**COUNTER-DEFENDANT/
PLAINTIFF**

V.

CIVIL ACTION NO.: 4:08CV113-A-S

**SUPERIOR BOAT WORKS, INC.,
COLLINS BRENT D/B/A
SUPERIOR BOAT WORKS, INC. AND
BARGES PB-0612 AND PB-0604**

**COUNTER PLAINTIFFS/
DEFENDANTS**

ORDER

The court enters this order for additional briefing as to whether Superior Boat Works, Inc. had authority to bring its counter-claim. At trial and in its Proposed Findings of Fact and Conclusions of Law 4 H Construction argued that because the Mississippi Secretary of State administratively dissolved Superior Boat Works, Inc. on December 30, 2003, it was not able to conduct business “except that necessary to wind up and liquidate its business and affairs.” At trial, the evidence made it clear that Superior was doing more than winding up and liquidating its business, and in its Proposed Findings of Fact and Conclusions of Law, Superior contends it was authorized to do so. Specifically, Superior’s Proposed Findings provide “Mr. Brent confirmed the company was authorized to conduct business at the relevant times for this action” However, the court is unclear as to what authority gave Superior the right to conduct business.

Accordingly, the court orders Superior Boat Works, Inc. to respond more fully to 4 H Construction’s position by Friday, July 31, 2009. Should 4 H feel it necessary, a rebuttal should be submitted by Wednesday, August 5, 2009.

SO ORDERED, this the 28th day of July 2009.

/s/ David A. Sanders
UNITED STATES MAGISTRATE JUDGE